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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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JUAN FRANCO, an individual; and  
ARACELY FERIA, an individual;

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Case No.: 2:09-cv-02280-RLH-LRL

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Plaintiffs,

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O R D E R

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vs.

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(Motion to Dismiss #7)

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COUNTRYWIDE HOME LOANS, INC., a  
Nevada corporation; COUNTRYWIDE BANK  
N.A., a Nevada corporation; DOES 1 through  
100, and ROE BUSINESS ENTITIES A-Z;

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Defendants.

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Before the Court is Defendants Countrywide Home Loans, Inc. and Countrywide Bank N.A.'s (collectively, "Countrywide") **Motion to Dismiss** (#7), filed February 11, 2010. The Court has also considered Plaintiffs Juan Franco and Aracely Feria's Opposition (#8), filed February 26, 2010. Countrywide did not reply.

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Plaintiffs purchased a home located at 9979 Ridgehaven Avenue in Las Vegas with financing from Countrywide. In the spring 2009, Plaintiffs were no longer able to make their mortgage payments. (Dkt. #1, Pet. for Removal Ex. A, Compl. ¶ 9.) Plaintiffs claim Countrywide

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1 offered them a loan modification but foreclosed on the property in September 2009, despite the  
2 fact that Plaintiffs' executed the loan modification agreement.

3                   On October 27, 2009, Plaintiffs commenced this action in the Eighth Judicial  
4 District Court of the State of Nevada. On December 1, Countrywide removed the case to this  
5 Court based on the diversity of the parties. On February 27, 2010, Countrywide filed a motion to  
6 dismiss. The Court held a hearing on this motion on May 27; however, neither Plaintiffs nor their  
7 counsel, Jorge L. Sanchez, attended the hearing. As a result, the Court vacated the hearing. (Dkt.  
8 #12, Hr'g Mins.) Both the Court and Countrywide's counsel have made numerous attempts to  
9 contact Plaintiffs and Mr. Sanchez since the day of the hearing, all to no avail.

10                  The State Bar of Nevada recently informed the Court that the Supreme Court of the  
11 State of Nevada has issued an order temporarily suspending Mr. Sanchez from the practice of law  
12 pending the resolution of formal disciplinary proceedings against him. *In the Matter of Discipline*  
13 *of Jorge L. Sanchez, Esq., Bar No. 10434, No. 56126, Order of Temporary Suspension* (Nev. June  
14 23, 2010). In addition, the State Bar of Nevada is attempting to locate each of Mr. Sanchez's  
15 former clients (including the Plaintiffs in this case) to inform them that they will need to retain  
16 other counsel or proceed with their cases as *pro se* litigants.

17                  Mr. Sanchez's suspension leaves Plaintiffs without counsel and, in all likelihood,  
18 without any information concerning the status of their case. The Court is reluctant to consider the  
19 merits of Countrywide's motion to dismiss in this situation. Plaintiffs must be given the  
20 opportunity to learn of Mr. Sanchez's suspension and decide which course of action they would  
21 like to pursue. Accordingly, the Court denies Countrywide's motion without prejudice.

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## CONCLUSION

Accordingly, and for good cause appearing,

IT IS HEREBY ORDERED that Countrywide's Motion to Dismiss (#7) is DENIED without prejudice. The Clerk of the Court is instructed mail a photocopy of this order to the Plaintiffs' last known address: 9979 Ridgehaven Ave., Las Vegas, NV 89148.

Dated: August 30, 2010.

**ROGER L. HUNT**  
**Chief United States District Judge**